

Jonathan M. Korn
BLANK ROME LLP
301 Carnegie Center, 3rd Floor
Princeton, NJ 08540
(609) 750-7700 (Phone)
(609) 750-7701 (Fax)
Korn@BlankRome.com

James N. Benedict (*Pro Hac Vice*)
Sean M. Murphy (*Pro Hac Vice*)
Andrea G. Hood
William P. Gross
MILBANK, TWEED, HADLEY & MCCLOY LLP
1 Chase Manhattan Plaza
New York, NY 10005
(212) 530-5000 (Phone)
(212) 530-5219 (Fax)
JBenedict@Milbank.com
SMurphy@Milbank.com

Attorneys for Defendants

R E C E I V E D

NOV 10 2011

AT 8:30
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARY ANN SIVOLELLA, for the use and benefit
of the EQ/Common Stock Index Portfolio, the
EQ/Equity Growth PLUS Portfolio, the EQ/Equity
500 Index Portfolio, the EQ/Large Cap Value PLUS
Portfolio, the EQ/Global Multi-Sector Equity
Portfolio, the EQ/Mid Cap Value PLUS Portfolio,
the EQ/GAMCO Small Company Value, and the
EQ/Intermediate Government Bond Index Portfolio,

Plaintiff,

vs.

AXA Equitable Life Insurance Company and AXA
Equitable Funds Management Group, LLC,

Defendants.

Civil Action No. 3:11-cv-4194 (PGS DEA)

CONSENT ORDER EXTENDING
DEFENDANTS' TIME TO MOVE IN
RESPONSE TO PLAINTIFF'S AMENDED
COMPLAINT AND SETTING BRIEFING
SCHEDULE FOR THAT MOTION

ELECTRONICALLY FILED

THIS MATTER having been brought before the Court by consent of the parties, as
appears from the signature of their respective counsel of record below, and for good cause
having been shown:

WHEREAS, on November 4, 2011, Plaintiff filed an Amended Complaint [Docket No. 15] in response to Defendants' Motion to Dismiss Plaintiff's Complaint [Docket No. 11];

WHEREAS, Plaintiff and Defendants agree that Defendants' Motion to Dismiss is now moot and it is not necessary to continue to brief that Motion to Dismiss;

IT IS on this 11th day of November, 2011;

ORDERED that Defendants' Motion to Dismiss [Docket No. 11] is hereby dismissed without prejudice;

FURTHER ORDERED that the time for Defendants AXA Equitable Life Insurance Company and AXA Equitable Funds Management Group, LLC (collectively "Defendants") to file a Motion to Dismiss the Amended Complaint is hereby extended to December 19, 2011. Defendants have not requested any previous adjournments;

FURTHER ORDERED that Plaintiff shall file her opposition to Defendants' Motion to Dismiss the Amended Complaint by February 2, 2012; and

FURTHER ORDERED that Defendants shall file a reply to the opposition by March 5, 2012.

*As these dates were negotiated
and agreed to be all counsel,
there will be no extensions
absent exceptional circumstances.*




HON. DOUGLAS E. ARPERT

The undersigned counsel for Plaintiff and Defendants hereby consent to the entry of this Order.



Robert L. Lakind, Esquire
Szaferman, Lakind, Blumstein & Blader
101 Grovers Mill Road, Suite 200
Lawrenceville, NJ 08648
Phone: (609) 275-0400
Fax: (609) 275-4511
E-Mail: RLakind@Szaferman.com
Attorneys for Plaintiff

Dated: November 9, 2011



Jonathan M. Korn, Esquire
Blank Rome LLP
301 Carnegie Center, 3rd Floor
Princeton, NJ 08540
Phone: (609) 750-7707
Fax: (609) 897-7395
E-Mail: Korn@BlankRome.com
Attorneys for Defendants

Dated: November 9, 2011